

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST : FINAL DECISION AND ORDER
:
JAMI J. PAGEL and NEXT DOOR REALTY :
LLC , : LS0908204REB
RESPONDENT. :

Division of Enforcement Case Number 06 REB 119

The parties to this action for the purpose of Wis. Stats. 227.53 are:

Jami J. Pagel
Respondent
8237 Schroeder Road
Oconto Falls, WI 54154

Next Door Realty, LLC
Respondent
8237 Schroeder Road
Oconto Falls, WI 54154

Real Estate Board
c/o Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The Division of Enforcement, Department of Regulation and Licensing (Department), has opened an investigation against Respondent. The parties in this matter agree to the terms and conditions of this Final Decision and Order and the attached Stipulation as the final disposition of this matter, subject to the approval of the Real Estate Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Jami J. Pagel (Pagel), whose date of birth is September 11, 1975, is licensed to practice as a real estate broker (#90-53079) in the State of Wisconsin, which was first granted on June 29, 2005, and which will expire on December 15, 2010. Ms. Pagel's last address reported to the Department of Regulation and Licensing is 8237 Schroeder Road, Oconto Falls, WI 54154. At all times relevant to this matter Ms. Pagel was the owner of Next Door Realty, LLC.
2. Respondent Next Door Realty (NDR) is licensed to practice as a real estate entity (#91-701429) in the State of Wisconsin, which was first granted on April 21, 2006, and which expired on December 15, 2008. NDR's last address

reported to the Department of Regulation and Licensing is 8237 Schroeder Road, Oconto Falls, WI 54154. Ms. Pagel consents to not attempt to renew this license for a period of two years from the date of signing of this Order.

3. On January 12, 2006, Ms. Pagel, acting as agent for the seller, secured the acceptance of offer to purchase on real estate.

4. The seller of the real estate was Ms. Pagel's father, C.C. No where in the offer to purchase, or in other documents executed prior to the securing the acceptance of the offer to purchase, did Ms. Pagel secure the consent of the buyer to Ms. Pagel acting as an agent for the seller while acknowledging her relationship to the seller.

5. Per Wis. Admin. Code § RL 24.05(2), "A licensee acting as an agent in a real estate... transaction may not act in the transaction on the licensee's own behalf, (or) on behalf of the licensee's immediate family... without the prior written consent of all parties to the transaction. For the purpose of this subsection, a licensee may obtain the written consent in the offer to purchase... or other transaction contract."

6. Per Wis. Admin. Code § RL 24.01(2), "The intent of the department in adopting the rules in this chapter is to establish minimum standards of conduct for real estate licensees and to define that conduct that may result in board discipline pursuant to s. 452.14, Stats."

7. Per Wis. Stat. § 452.14(3), "The board may revoke, suspend or limit any broker's... license... or reprimand the holder of the license... if it finds that the holder of the license... has: (i) demonstrated incompetency to act as a broker... in a manner which safeguards the interest of the public..."

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in these matters pursuant to Wis. Stat. § 452.14.

2. The Wisconsin Real Estate Board has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44 (5).

3. By acting as an agent in a real estate transaction where the seller was a member of her immediate family, and where the buyer did not consent to her so acting in writing and prior to her acting as an agent, as set forth in paragraphs 2 and 3 of the Findings of Fact, Respondent **Jami J. Pagel** violated Wis. Stat. § 452.14(3)(a), thereby subjecting himself to discipline.

WHEREFORE, the Department of Regulation and Licensing makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of **Jami J. Pagel** as a real estate broker (#90-53079) shall be, and hereby is, **REPRIMANDED** and **LIMITED** as follows: Ms. Pagel may not be the owner or broker of record for any Real Estate Entity for a period of two years from the date of signing of this Order.

IT IS FURTHER ORDERED that:

2. The license of **Next Door Realty, LLC** as a real estate entity (#91-701429) shall be, and hereby is, **LIMITED** as follows: the license shall be placed in inactive status and may not be renewed for a period of two years from the date of signing of this Order.

3. **Jami J. Pagel** shall pay costs of these investigations in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1500.00). Ms. Pagel shall make quarterly payments of \$300.00 beginning ninety days from the date of signing of this Order.

4. Payment of costs and other submissions required by this Order shall be mailed, delivered or otherwise

transmitted to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 261-7904, Fax (608) 266-2264

5. Case number 06 REB 119 is hereby closed.
6. This Order is effective on the date of its signing.

WISCONSIN REAL ESTATE BOARD

By: Peter A. Sveum
A Member of the Board

8/20/09
Date

IN THE MATTER OF THE :
DISCIPLINARY PROCEEDINGS AGAINST : STIPULATION
:
JAMI J. PAGEL AND NEXT DOOR REALTY :
LLC : LS# _____ REB
RESPONDENT. :

Division of Enforcement Case Number 06 REB 119

It is hereby stipulated and agreed, by and between Jami J. Pagel, Respondent on her own behalf and on behalf of Next Door Realty, LLC; and Mark A. Herman, Attorney for Complainant, State of Wisconsin, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondents' licensures by the Division of Enforcement (Case No. 06 REB 119). Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. Respondents understand that by signing this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to their under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. Respondents have been provided with the opportunity to seek legal counsel prior to signing this stipulation.
4. Respondents agree to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. Respondents are informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the

attached Final Decision and Order.

Jami J. Pagel, Respondent
On her own behalf and on behalf of
Next Door Realty, LLC, Respondent
8237 Schroeder Road
Oconto Falls, WI 54154

Date

Mark A. Herman, Attorney
Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Date